
 <p style="text-align: center;">ADMINISTRATIVE POLICIES AND PROCEDURES State of Tennessee Department of Correction</p>	Index #: 705.06	Page 1 of 3
	Effective Date: April 24, 2024	
	Distribution: C	
	Supersedes: 705.06 (1/16/24)	
Approved by: 		
Subject: RESTORATION OF OFFENDER VOTING RIGHTS		

- I. AUTHORITY: TCA 4-3-603; TCA 4-3-606; TCA Title 39, Chapter 16, Parts 1, 4, and 5; TCA 40-20-112; 40-29-101 through 106; TCA 40-29-201 through 205; TCA 40-39-202 (20); and 40-39-202 (28).
- II. PURPOSE: To describe procedures for TDOC staff assisting eligible offenders seeking to restore their voting rights. In July 2023, the Tennessee Secretary of State significantly revised the form and procedures by which persons (including TDOC offenders) may seek restoration of their voting rights (see [Restoration of Voting Rights | Tennessee Secretary of State \(tn.gov\)](https://sos.tn.gov/elections/guides/restoration-of-voting-rights)). The revised Secretary of State procedures place the primary responsibility on the offender seeking restoration of voting rights, and effectively reduces TDOC staff responsibilities to: (1) issuing a form to any offender upon request; (2) helping the offender understand the new form and procedures; and (3) completing Section 2 of the form when requested by the offender. Significantly, under the Secretary of State's new form and procedures, TDOC staff are neither responsible, nor involved in, verifying whether offenders have received a pardon or restoration of citizenship rights by other means.
- III. APPLICATION: Assistant Commissioner of Community Supervision (ACCS), all Tennessee Department of Correction (TDOC) Community Supervision staff, and facility staff.
- IV. DEFINITIONS: None.
- V. POLICY: This TDOC policy, and staff assistance, will help eligible offenders seeking restoration of their voting rights, as prescribed by state law and mandates of the Tennessee Secretary of State, and Tennessee Division of Elections.
- VI. PROCEDURES:
 - A. Upon request of any offender at any time, staff should provide a blank form titled "Certificate of Restoration of Voting Rights" (SS-3041), the most current version of which is available on the Tennessee Secretary of State website at: <https://sos.tn.gov/elections/guides/restoration-of-voting-rights>. Because this form is available to the public on the Secretary of State's website, TDOC staff should provide offenders a form upon request and at any time, regardless of the offender's possibly disqualifying offense(s).
 1. Staff must document in OMS contact notes whenever issuing a blank Certificate of Restoration of Voting Rights form to an offender using RVRI for "RESTORATION OF VOTER RIGHTS FORM ISSUED".
 2. Offenders need a separate form for each of their prior/current felony offense convictions.
 - B. Certificate of Restoration of Voting Rights Form instructions.
 1. Offenders have the initial responsibility to complete Section 1 of the form.
 2. Staff are not responsible for deciding whether an offender is qualified/disqualified. Staff should direct offenders to the information found on the Tennessee Secretary of State's website at: [Eligibility to Vote after Felony Conviction \(Rev. 7-23\).pdf \(tnsosgovfiles.com\)](https://tnsosgovfiles.com/Eligibility%20to%20Vote%20after%20Felony%20Conviction%20(R%207-23).pdf).

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3. The Secretary of State's website, form, and procedures list disqualifying convictions as follows:
 - a. Between July 1, 1986, and June 30, 1996 – first degree murder, aggravated rape, treason, or voter fraud;
 - b. Between July 1, 1996, and June 30, 2006 – murder, rape, treason, or voter fraud; or
 - c. On or after July 1, 2006 – Any of the above, or any degree of murder or rape or any felony offense under TCA Title 39, Chapter 16, parts 1, 4, or 5; or any sexual offense under TCA § 40-39-202(20) or any violent sexual offense under TCA § 40-39-202(30) designated as a felony and where the victim of such offense was a minor.
4. Offenders must be current in all child support obligations to qualify for restoration of voting rights, as listed in the form's instructions and are responsible for verifying on their own whether they are current. There is no requirement for TDOC staff to verify this aspect, but rather merely to assist the offender in understanding the requirement exists.
5. The only formal TDOC staff obligation is to complete Section 2 of the form when requested by the offender. Offenders need a separate form for each of their prior/current felony offense convictions. Procedures for staff to complete Section 2 of the form are as follows:
 - a. Ensure the offender completed at least Section 1.a. of the form, identifying themselves. Staff should never complete any part of Section 2 if the offender is not identified by name / date of birth / and social security number in Section 1.a.
 - b. Sections 1.b. and c. are not required to be completed by the offender before requesting staff to complete Section 2. Sections 1.b. and c. are ultimately the sole responsibility of the offender prior to submitting the form to the election commission office. Staff have no responsibility to verify the offender's information in Sections 1.b. and c.
 - c. TDOC staff complete Sections 2.a., b., and c., to the extent they have access to information of the offender's:
 - (1) Prior and current felony offense convictions (Section 2.a.);
 - (2) Restitution obligation(s) imposed by the court(s) (Section 2.b.); and
 - (3) Court costs obligation(s) imposed by the court(s) (Section 2.c.).

Staff are not responsible for determining whether the offender has paid restitution and court cost obligations. If staff lack access to the requested information, leave the section(s) blank.
 - d. Offenders serving/completing felony offense sentences from other jurisdictions in TDOC custody (e.g., pursuant to the Interstate Corrections Compact, Policy #511.07, *Interstate Corrections Compact* and Federal Convictions) should complete the form the same as offenders serving/completing Tennessee state felony offense sentences, as listed on the website and form instructions. Staff will provide that information in Sections 2.a., b., and c., of the form, to the extent they have access to it.

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6. If providing information in Section 2., staff provide their signature, printed name, title, date completed, and contact information, as requested on the form.
7. After completing Section 2 of the form, return it to the offender for their further processing, as listed in the form's instructions. Offenders are responsible for submitting the completed form, and any attachments, to the local county election commission office in the county they desire to register to vote, as listed in the form's instructions.

VII. APPLICABLE FORMS: SS-3401.

VIII. ACA STANDARDS: 4-APPFS-2C-06.

IX. DIVISION OF PRIMARY RESPONSIBILITY: Office of Community Supervision.